

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1, 14, 21, and 23 have been amended herein. Support for the amendments can be found in the Specification at FIG. 4 and ¶¶ 42, 44, and 45. No new matter has been introduced herein. Claims 1-32 are currently pending and believed to be in condition for allowance.

OBJECTIONS

Two of the drawings (FIGS. 1A and 1B) were objected to for allegedly describing prior art but not being labeled as such. Corrected drawings that should render these objections moot are being submitted along with this Response.

REJECTIONS BASED ON 35 U.S.C. § 101

Claims 1-13 and 21-32 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. The preambles of these claims have been amended herein to recite statutory subject matter, notably computer-readable media encoded in different manners. Therefore, Applicant respectfully requests withdrawal of the § 101 rejection of claims 1-13 and 21-32.

REJECTIONS BASED ON 35 U.S.C. § 102(e)

Claims 23-25 and 30-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/0280853 to Newman et al. (Newman). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.”

MPEP § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989)). Applicant respectfully submits that this rejection is moot in light of the above amendments and the following remarks.

Independent claim 23 recites a computer-readable medium encoded with a color characterization profile. The profile comprises a container configured to perform a number of functions. Specifically, the container is configured to “provide digital rights management capabilities.” The profile also receives and stores “one or more independent data extensions, wherein the one or more independent data extensions comprise additional extensions of color space information that are specific to an electronic device.” And finally, the container “transparently allow[s] access to one or more list tags.” Applicant respectfully submits that Newman does not describe a container configured to perform these three functions.

Newman, at best, describes a method for color management that computes and caches color transformation sequences for devices in an effort to spare later calculations of similar sequences. *See Newman*, ¶ Abstract and 0013. Newman does not, however, describe a container capable of providing digital rights management (DRM). In anticipation of the Office citing Nusser for teaching such a feature, Applicant respectfully submits that neither Newman nor Nusser teach or suggest a container that also allows independent data extensions as well as transparent access to list tags.

Therefore, Applicant respectfully submits that Newman fails to anticipate claim 23, as amended herein. Accordingly, the § 102(e) rejection of claim 23 is now moot. Furthermore, Applicant respectfully submits that dependent claims 24, 25, and 30-32 are not anticipated by Newman based on their dependency from claim 23.

REJECTIONS BASED ON 35 U.S.C. § 103(a)

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,093,296 Nusser et al. (Nusser) in view of U.S. Publication No. 2005/0280853 to Newman et al. (Newman). To establish a *prima facie* case of obviousness, the prior-art references “must teach or suggest all the claim limitations.” MPEP § 2143. Also, if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *See* MPEP § 2143.03; *see also, In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Independent claim 1 has been amended to recite a computer-readable medium encoded with a color characterization profile format. The format comprises a container configured to “(1) provide digital rights management capabilities, (2) receive and store one or more independent data extensions and add the one or more independent data extensions to the color, wherein the one or more independent data extensions comprise additional extensions of color space information that are specific to an electronic device, and (3) transparently allow access to one or more list tags.” As described above with reference to claim 23, as amended herein, the combination of Newman and Nusser fails to teach or suggest a container configured to perform the above three features. Therefore, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 23.

Similarly, independent claims 14 and 21 have been amended to recite similar containers as the container in claim 1. Therefore, Applicant respectfully requests withdrawal of the § 103(a) rejection of claims 14 and 21 for at least the reasons above.

Additionally, Applicant submits that dependent claims 2-13, 15-20, and 22 are allowable based, at least, on their dependency from independent claims 1, 14, and 21.

CONCLUSION

For at least the reasons stated above, claims 1-32 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or phoeller@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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